

**ORGANIZATIONAL / REGULAR MEETING OF THE TOWN BOARD  
OF THE TOWN OF NEW HARTFORD, NEW YORK,  
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON  
WEDNESDAY, JUNE 9, 2021 @ 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

**TOWN BOARD MEMBERS PRESENT:**

Councilman James J. Messa  
Councilman Richard M. Lenart  
Councilman David M. Reynolds  
Councilman Richard B. Woodland, Jr.  
Supervisor Paul A. Miscione

**OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:**

Personnel Technician Barbara Schwenzfeier  
Town Attorney Herbert Cully  
Acting Town Clerk Cheryl Jassak-Huther  
Highway Superintendent Richard Sherman  
Deputy Registrar Kayla Empey  
Account Clerk Lisa Smigle

ABSENT - Deputy Town Supervisor Anthony J. Trevisani

Thereafter a quorum was declared present for the transaction of business.

**Councilman Messa** – Before we begin – moment of silence for past Chief William Hughes of the Willowvale Fire Department who passed on May 22, 2021.

**I. PRESENTATIONS/COMMENTS**

**A. US Light Energy** – Emma: Community Solar Developer located out of Latham, NY; Here to answer any potential, additional questions regarding our request, for the Town's approval to allow 3715 Oxford Road as a good location, for us to move forward with the requirements the Town has required for a large-scale solar system.; Town Attorney Herbert Cully – First the Board has to make a determination as to whether or not you feel this is an appropriate location for solar. What then would happen is a site plan application would be completed and it would go to the Planning Board and the Planning Board would then conduct a review of the site plan and make sure that all the issues we talked about in our ordinance are followed. If you do decide to move forward, in speaking with NYSERDA, they have a form for a solar permit application. In talking to them, they classify this system as a large industrial system. Also like to amend our subplan application to provide additional information that NYSERDA feels should be in that application. If you decide to take a vote tonight as agreed upon to go forward, I ask that motion be contingent upon them filling out an

application for a special permit. That's based upon NYSERDA's input. Then it would go on to the Planning Board. The other thing that I would point out, is under our Planning Board process on a special use permit, we have the right to obtain our own expert to review everything and, in this case, I would strongly recommend it because we haven't dealt with solar of this magnitude previously. That's paid for by the applicant. What you are looking at, does this seem to be an appropriate location? Mr. Owen's is going to be the closest and most affected by this and supportive of this. We've talked about the height of the panels and what is going to be under them. Emma gave a pretty detailed presentation. It's up to the Board how you want to handle this.; Councilman Reynolds – Our concern is, is it an appropriate location and I think if you are familiar with the ones that are out near the airport, they are right next to the road. To me, this is an ideal location, its removed, its an excellent location. It will be reviewed multiple times.; Town Attorney Herbert Cully – All you (the Board) are doing is giving approval for that location subject to a special use permit being used.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Woodland:

**(RESOLUTION NO. 191 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the location, 3715 Oxford Road, for a large-scale solar system, subject to a special use permit being issued.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Emma – asked if a letter will be written by the Town Board.; Town Attorney Herbert Cully – Yes, we can do that.; Emma – Thank you. The company wanted me also to discuss the properties that you nominate as Town owned properties, who should I contact?; Supervisor Miscione – I have all the tax map numbers, surveys if you'd like to look at it. You can give your sales team my number and whatever I get, I'll pass on to the Board.; Town Attorney Herbert Cully – Emma, NYSERDA's form was totally inappropriate, its more residential. If you have any special permit applications that any municipalities you've dealt with have used, I'd love to see them because I need to doctorate ours up, as a template.; Emma – We do follow NYSERDA.; Town Attorney Herbert Cully – The form I had, they said wasn't applicable because they called this a large industrial. Theirs are for smaller but I'm going to have another call with

NYSERDA coming up and I will ask them as well but I thought maybe you had one from another municipality. If not, we have ones and I'll just make the changes.; Emma – I am not familiar with it. We do follow NYSERDA guidelines. Thank you for your time.

**B. Ms. Nancy Giglio – 28 Bohling Road, New Hartford, NY** – concern about Sherrill Brook Park – Since the pandemic started – large increase in garbage – park staff is overwhelmed – asked price for pavilions – ask if could put something online and contingent on taking a photo, after they are done with their event, take a photo (has a time stamp and date).; Supervisor Miscione – looking into getting cameras system. A lot of the problems we are having are people are coming in and just dumping their trash.; Ms. Giglio – Parks guys are hustling. There is broken glass from people and people are walking their dogs. It's been a change since the pandemic. Maybe put on website – what you bring in, you bring out or signage.; Councilman Reynolds – Guess signage wouldn't hurt to include trash.; Ms. Giglio – I've talked to some of the workers. These guys are trying to do their very best. They are always going.; Councilman Reynolds – You mentioned broken glass. Certainly, if there is a safety issue, we want to know about it then. If you see a safety issue, make a phone call and I'm sure our parks department will take care of it immediately. We appreciate your kindness.; Supervisor Miscione – Maybe another thing we can do in the parks is like the 311, if they see something they can report it.

**C. Mark Spatuzzi – 18 Waterford Lane – New Hartford, NY** – I have to apologize to some of the Board Members. I know when I made comments, I felt that everyone was aware of the situation. In all fairness, I realized that many of you were not. I did print out some documents for you all to look at for those of you there were not copied on the emails and if you want a copy of it for the Board notes and I also have some pictures available if anyone wants them (a copy for the minutes). I'm not usually this person. It's the first time I've ever filed a formal complaint. This has been going on for right (8) months – 32 emails, numerous calls, text messages, one board meetings, now my second. Started back on October 16, 2020, the first day the crews set up on site on the pole barn behind my house. I called Larry that morning and asked him if he could put a stop work order on it until he could come out. He told me he was really busy. He said put it in writing and as soon as I got off the phone with him, I put it in writing. As a tax payer, Code 65-14 does allow tax payers to submit formal complaints, which could include stop orders and an investigation. So, in my email to Larry, I did say I want this to be a formal 65-14 complaint regarding the pole barn that the neighbor was putting up. Time went by, I never heard back. Here we are eight (8) months later, 32 emails. I put a table of all the different emails in the back of the appendix along with what they were regarding. There are definitely code violations in my opinion that show neglect on the Codes Department. A building, grading permit was never issued. A demolition permit was never issued. As well as Larry never came out to inspect the site. Larry was out at my house today because I'm putting up a small pavilion and he has 14 different checking points where he wants me to contact him, including once the holes are dug. So, I did, I called him once the holes were dug, he came out – I said Larry since you're here let's go look at the pole barn. Did you look at the footing on this pole barn – nope, never came out to inspect them. Which is

kind of concerning for me because one of the footings is within 4 ½ feet of the fill that was brought in. For those of you that know, in order to build something, you have to go 48 inches deep. One of the supporting pillars is on nothing but brought in stuff. New York State also requires the Town to abide by all asbestos abatement processes. Which was never done during the demolition. You guys should have a survey on copy, showing whether or not there is asbestos on that garage that came down. This garage that came down was right behind my lawn, my kids sand box is there. Who knows what kind of stuff was put in the air. It wasn't taken down properly. In addition, zoning has a number of Codes that were violated in my opinion. Zoning Code 118-24 requires that there be a standard lot plan that has to do calculations based on the size of the building. There has to be so much green space in order for a building to go up. One of the pictures I have in there is an arial photo of the old garage followed by the red outline that shows the new garage. Based on the amount of land that is left, again, I would love to see a calculation – should be part of any permit that goes in to there. You can see that wit the red outline on that building, there is not much green space left on his property line and you have to have that in order for water to penetrate. The house, the garage, the driveway, the sidewalk – those are all included in the calculations then whatever green space is left is what's available. I've been asking for this for eight (8) months. I just want the calculations and I've yet to see them. I appreciate your guy's time and effort. I think is a Codes thing. I'm looking for your support and try to get this resolved. I've been told things would happen; they don't happen. I guess next Board meeting I'll come with my whole street and petition if that's what we need to do. This is not acceptable. At this point, I want the pole barn taken down, it doesn't meet codes.; Councilman Reynolds – is that your pole fence or his fence?; Mark – that's my fence and you guys are familiar with the fence. It's 6 ft. tall and you can see that the pole barn is halfway over that fence. I also put a picture in there of the amount of fill that was brought in which is 54 inches which is 4 ½ feet of fill. Grating permits are required to bring in fill and no permit was issued; no demolition permit is issued. There is a lot of neglect and negligence on the part of the Towns Code on this particular situation and I want it rectified. Thank you. Just a follow up – has anything been done since the last Town meeting?; Supervisor Miscione – with the Code Department – I told him to request to send out a violation letter. Larry claims that he took the building down before he came to try to get a permit. So, if that's the case, to send out a violation letter for that, request the asbestos abatement. Also said, its currently not finished, its still a mess over there. Again, Larry claims the guy wasn't responding to him so I said again, send out a violation letter that this still is not in compliance, that he needs to resolve the issues. We did send John Dunkle out, from our engineering team, so we're suppose to get back some information from them on what the elevations did. That's one of the things we're trying to get from him. The major things is Larry has no response for the owner – he kind of just left it and hasn't done anymore work at all. Those are the three (3) things we've requested in the last week and hopefully we'll get some feedback if not, he doesn't comply to the violation, we're going to have Herb send out a letter to bring him to court.; Town Attorney Herbert Cully – was asking what Mark was asking for; Mark – Zoning Code – 118-24-2; Town Attorney Herbert Cully – so it's the lot coverage because you cover like 40% within the pervious are

and you think he has exceeded that.; Mark – I don't know how he's not because pervious area includes driveway, sidewalk....I just don't know how much land is left on his property that is meeting that requirement.

## **II. MATTERS SUBMITTED BY TOWN SUPERVISOR**

1. **Insurance Policy** – We budgeted \$180,000 and three (3) bids came in: HCC Incumbent \$182,853, Travelers \$156,038 and Trident \$159,889.; Councilman Reynolds – There is an additional Cyber option that could be added if you wish. In this day of age, I think we need to do that.; Supervisor Miscione – We are still under budget even with the Cyber option. Travelers at \$156,0385 would be our basic policy that we budgeted. The Cyber option would be additional that we could come forward at our next board meeting and also for the full value, replacement cost for vehicle would be another item too.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Messa:

### **(RESOLUTION NO. 192 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve Travelers Insurance Policy for \$156,038.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

#### **2. Town Clerk's Office**

- a. Farmer's Market Sherrill Brook Park – starts June 15<sup>th</sup> 3pm – 7pm until September; Food Truck permits have been coming into the office
- b. Credit Cards – been accepting them for the last few weeks – people have been very happy, don't mind paying the \$1.95 fee; Councilman Messa – so we don't really need to pursue the ATM machine anymore; Town Attorney Herbert Cully agreed; the fee to use the credit cards is most likely less than the fee to go to the ATM
- c. Back in 2020 – due to COVID – the late fee for dog license was waived. Starting July 1<sup>st</sup>, we will start charging late fees for dog licenses.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Woodland:

**(RESOLUTION NO. 193 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to start charging late fees again for log licenses, starting July 1, 2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**III. PUBLIC HEARING – STOPS SIGNS**

Town Attorney Herbert Cully - one (1) stop sign on Westminster Road, at Tilton Road; one (1) stop sign on Old Orchard Road at Westminster Road; and one (1) stop sign on Tilton Road at Westminster Road. We had a lot of complaints of people coming down Westminster through those two intersections. There are a lot of young kids and a lot of walkers up in that area.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

**(RESOLUTION NO. 194 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to open up the Public Hearing.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds:

**(RESOLUTION NO. 195 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to close the Public Hearing.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa:

**(RESOLUTION NO. 196 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to take action on the three (3) stop signs.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**IV. HIGHWAY SUPERINTENDENT RICHARD SHERMAN**

- 1. Upgrade for Jeff Kolek** – has been a laborer for 2 ½ years and going to upgrade him to an MEL as of June 28, 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 197 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to upgrade Jeff Kolek to MEL.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. **Application for a new cleaner for the Town Building** – Our current cleaner will be retiring in July – Richard Doherty applied (resume) — he has past experience as a cleaner - Pending a background check with the chief. Looking to start him on June 28, 2021 at \$15.00 an hour for 2-3 months, see how he works out and then will upgrade him to \$18 per hour which is in the budget (Non-Union).

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 198 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to hire Richard Doherty as cleaner for the Town Building at \$15 per hour.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

3. **State Highway Driveway approval on Middle Settlement Road** – met with the engineers and DOT on Middle Settlement Road by the apartments that just went up and are finished. There is a temporary driveway that was installed by the contractor. There is land that was given to the Town back there that would meet up with our property that we already own. This will give us a 30 ft. easement to get to our property. The State would like us to take the driveway over. It needs two upgrades at the two end sections and grating material for the pipe that's there currently and pave about 20 ft. into the property is what they are asking us to do. It's going to cost us a few hundred dollars to add those additions to it. It does give us an entry to the easement, to our property in the back.; Supervisor Miscione – This is the property we're talking about, the one we're interested in putting in the solar and also the retention pond for the Mudd Creek Stormwater.; Highway Superintendent Richard Sherman – just an access driveway, not a Town road, just an access driveway to our easement. There will be two poles, a chain and it will have a lock on it.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 199 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to accept the easement.



The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

4. Milling and Paving – Phase 1 is just about completed; Phase 2 – middle of July, Oneida Street to the City line, Kellogg Road, Elm Street to Paris line; As we mill Oneida Street, been talking to Power Line Construction and they have been dealing with the State of NY. There's a new camera system out, going to see how much its going to cost. When we mill the road, we have lines in the road that turn the signal and its wires. The new system would be a camera mounted to the guide wire, that camera constantly rotates. As it rotates, it picks up how many cars are at each part of that intersection and that turns the signal. So, if you notice, lately there has been a lot of cars coming down Chapman, it's been backing up. Nothing has changed with our current system, it's just more traffic with people picking up their kids, dropping off, etc. Waiting for a cost – if reasonable, Id' like to do that traffic signal. The Town also owns the traffic signal at Dunkin Donuts/Hannaford. Also own the one on Higby/Chapman. Higby and Chapman, that system is too old to take this new camera system but the box at McDonalds, Dunkin Donuts/Hannaford will accept the new camera system. Waiting for the price to see if it's something can work into budget that I have this year. I have to replace the lines on Oneida Street anyways. Hopefully get something back from the Power Line to go with the new system.
5. We've installed 830 feet of driveway pipe in Meadowbrook area; Westminster – 65 ft. Culvert pipe; ditches as well; a lot of work on Old Orchard
6. Saturday, June 12, 2021 10am – NOON – at the library – Touch the Truck
7. Take deliver of the new Bobcat this Friday, the new Bobcat was ordered last Fall. When the Town Highway Dept. took over the sidewalks from the Park Dept, its under Section Highway Law that the Highway Dept. does the sidewalks. So, in doing that we ordered a new Bobcat with a snowblower, sweep and also comes with a bucket.
8. **Councilman Messa** – Question – last year, collected a numerous amount of tires in the 1<sup>st</sup> Ward – Utica Zoo, playgrounds use tires – talked about this last year, maybe we can mill – we have so many schools, playgrounds that can benefit from a rubber mulch.; Supervisor Miscione – Rick and I looked into it. The mulch has to be certified, go through a certain process to be used at a kid's playground. DEC has a grant for a machine that actually mulches it and they will do that but the

rubber people can use or landscaping that's something we can do. DEC held everything up due to COVID last year so we are looking at putting that grant in and we could get the machine pretty much for free like we did the electric station. We can't use it for playgrounds, they're not certified that they are safe for kids. Tires have the metal in it and stuff. The grinding machine the DEC has you can grind it up.

9. We are on target with the Town wide pick up. We will have Ward 1 done tomorrow if not Friday. Ward 2 is ready to go.
10. **Councilman Lenart** asked about the house on Meadowbrook – the lady with all the junk around her house.; Town Attorney Herbert Cully – No, I've rode up there. That's coming on court a week from Thursday. I purposely went up there and Dory checked with Rick and nothing has been put out. She was served – trial – judge strongly encouraged her to clean it up and we gave her the date of the pickup (Monday) and I rode up Sun., Mon., and Tues., and nothing was out.
11. **Councilman Reynolds** – Asked Highway Superintendent Richard Sherman about an update on Foxcroft, retention area – Catch Basin Phase 1 done; Town Attorney Herbert Cully – Put together a Town of New Hartford Spoils and Material Disposal Policy and Procedures – at the last meeting, Rick announced that he had fill from the projects that the Town is doing and that he had no place to dump the fill and he announced, as we do with the mulch, that it would be made available for free to residents who want it – followed up with the Association of Town and they suggested, because it is spoils, of no value, that we prepare and go forward with a formal Spoils Policy and an actual application were someone can fill it out saying that they want that dirt at their site. There's a cost analysis to show it costs less than to try to bring it to the Town. My hope is that Board will act and approve the Spoils Policy and the application.; Councilman Reynolds – The other factor is, you're not talking four dump trucks, you're talking 20,000 cubic yards that you have to dispose of (Rick and Paul responded 8,000 – 14,000 tons).
12. Solar Speed Signs – have been ordered – they will be delivered in 4-6 weeks; one for the intersection of Jordan and Paris and one for the intersection of Rt. 12 and Paris – they will record the speed, time, number of vehicles (day, time, month, etc.). They will be a good tool for the Police Department too. The next two will be ordered for Tilden.
13. **Councilman Reynolds** – The Legion Safety Day was a huge success. We provided the space. It was very well attended. The police, fire, Army, Sherriff patrol, State Police – huge turnout. Rick and his crew were here all day showing the kids their equipment. It was a great spot for it.
14. **Supervisor Miscione** – Going back to the Spoils Policy – we have the Middle Settlement Road project, the retention area there – that's another 30,000 cubic yards of dirt there too.; Town Attorney Herbert Cully – like you to approve the

resolution adopting the Spoils Policy and the application that the person who wants it has to sign acknowledging that they are waving any environmental claims or issues because we don't know what is in it.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Woodland:

**(RESOLUTION NO. 200 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to accept the Spoils Material Disposal Policy and Procedures as presented.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

15. **Highway Superintendent Richard Sherman** – also on target with new pump station on Homestead Road West; also spoke to the engineers and the design is moving forward with the Clinton Street Bridge (April of 2022).

**V. MATTERS SUBMITTED BY TOWN SUPERVISOR**

**1. Rec Center Dehumidifier Rebid**

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Messa:

**(RESOLUTION NO. 201 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go out for rebid of the Rec Center Dehumidifier.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**2. Rec Center Roof rebid** – Rick and Paul updated the plans – last bid didn't get any feedback (over the winter)

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 202 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go out for rebid of the Rec Center Roof.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

3. **Rec Center Roof Flooring** – flooring that we put in the bond for the Rec Center – has to go out for bid because it's over \$30,000.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 203 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go out for rebid of the Rec Center flooring.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

4. **NYSERDA** – certified community – we have reached our goals for that. They are certifying us and there will be a press release coming out in the next month or so. Thank Rick for all his help with that. We worked together on it. A big

step forward – opens up to more stormwater grants and other grants for energy efficiency.

## **VI. MATTERS SUBMITTED BY COUNCILMEN**

### **A. Councilman Messa**

1. Motion to schedule a public hearing for a stop sign on Janet Terrace, intersection to Wills Drive, the North Section for July 14, 2021.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

#### **(RESOLUTION NO. 204 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing, July 14, 2021, for a stop sign on Janet Terrace.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. Motion to schedule a public hearing for a stop sign on Augusta Drive, intersection to Pebble Creek, one closest to Mohawk Street, July 14, 2021.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

#### **(RESOLUTION NO. 205 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to schedule a Public Hearing, July 14, 2021, for a stop sign on Augusta Drive.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Town Attorney Herbert Cully asked Highway Superintendent Richard Sherman to help us so we can get the wording/intersections correct for the write up.

3. Stormwater Review Project List

- i. Bradley/Oneida Street moving forward
- ii. Easement from homeowners up on Twyndom Terrace/Hughes Lane – did you (Rick) get that grant money secured; Rick – yes; Supervisor Miscione – Rick and I will go up next week to talk to them (Dr. Sklar and farmer) and try to get the easement and all squared away.
- iii. Looking at the schedule – everything else in on course

**B. Councilman Lenart – Senior Center Reopening Plans;** Supervisor Miscione – looking at the requirements from the State, not the best idea to open at this point – maybe do a couple of community events outside; Councilman Reynolds – Anxious to get open – meal are not prepared/no meal program – have them go ahead and fill out the requirements to get County approval for a plan – take it one step at a time; Councilman Messa – go with caution; Supervisor Miscione – we can open up programs (outside) but not the doors (Senior Center) – use staff to do things at the Park. If the rules go away (no restrictions) – the Board approves to open up the Senior Center

**C. Councilman Reynolds – American Rescue Plan money** – Supervisor Miscione – we will be getting \$1.9 million and we have to split with the Village of New Hartford and Village of New York Mills – waiting on the formula/calculations for what to give each. Probably will not see it until October.; Town Attorney Herbert Cully – checking with the Association of Towns for the formulas; money comes directly to us.; Supervisor Miscione – It can only go towards infrastructure – for water, new sewer application, new water broadband or anything that you lost during COVID (additional services).; Councilman Messa – Revitalization – is that the same fund?; Supervisor Miscione – Oneida Street – as we said, Downtown/Main Street – nice new signs – that are that we deemed that, there will be grants for people to upgrade their facade, their homes – infrastructure grants to upgrade the lighting, the streets, the sidewalks, put in bike paths, etc.

**D. Councilman Lenart – Sitrin lighting/John Edwards** – Supervisor Miscione – reviewed the request – needs a letter from Sitrin’s Board of Directors stating what they want – will bring back to the Board – set a Public Hearing for the district. Then will be a capital and maintenance on there. Whatever cost to put the lights in, there will be a small fee on their taxes for capital then a small fee for maintenance which will be recurring cost of keeping it maintained. Once they submit the paperwork, then will submit to National Grid and they will give me a cost analysis of everything it costs. Once I have that cost, I will show them and then create the letter to agree and create the district and charge them for that district. Will be in contact with John Edwards from Sitrin. Right now, need a letter from them stating they are interested. We purchase everything – we bond

for it, have a capital part, pay the bond down (poll and everything) – 15- or 30-year Bond and then we pay down or whatever they are comfortable with. They might just want to pay with a check not in their taxes (pay up front) then only have a maintenance cost.

- VII. **Account Clerk - Lisa Smigle – Budget Adjustments/Bills** – Courts JCAP Grant – they would like to use those funds to purchase sound equipment for the Court Room – Increase A39901 (JCAP grant) \$7,537.00 – increase the expense to the Courts equipment A1110.20 for \$7,537.00

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Woodland:

**(RESOLUTION NO. 206 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the Courts budget adjustments.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 207 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to pay the Bills.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- VII. **Supervisor Miscione**

1. Request for use of Sherrill Brook Park for filming for a movie (done last year as well) – they have the liability insurance, we get all the paperwork

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 208 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to allow Ryan Shukis to film a short movie at Sherrill Brook Park.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**VIII. Personnel Technician Barbara Schwenzfeier**

**1. New Hires**

- a. **Parks Department** – Erin Gillespie - \$15/hour – Seasonal, started June 8, 2020

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 209 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to hire Erin Gillespie for the Parks Department (seasonal).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- b. **Police Department** – Andrew Allen – per Union Contract – taking the place of Ret. Pete Colbourn – effective 6/28/2021 for police Sgt.



Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 210 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to hire Andrew Allen for the Police Department effective 6/28/2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 211 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve the promotion of Justin Herringer as Investigator for the Police Department effective 6/28/2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

**(RESOLUTION NO. 212 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve Jason Freiberger for Investigator for the Police Department effective 6/28/2021, per Union Contract.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**IX. MATTERS SUBMITTED BY TOWN ATTORNEY**

1. **E-ZPass ON-THE-GO Agreement** – Board has agreed to enter into agreement with the New York State Thruway Authority to be an E-ZPass realtor – Board agreed to sell for \$24.00 per pass and net a profit of \$3.00 per pass

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

**(RESOLUTION NO. 213 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to enter into agreement with the New York State Thruway Authority to be a E-ZPass ON-THE-GO Retailer.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. **Red Flag Law** – involved very dangerous situations where someone has a fire in a house, either neighborhood issues, domestic issues, and we have the right to go forward and seek an immediate order from the Supreme Court and then have a hearing whether or not that person is suspended from having a firearm for at least a year. We've had two of them in the past few weeks and one of them I've already brought a hearing in front of Judge Clarke. She was extremely complimentary of our police officers and our police department for the way they prepared the papers before I got involved. Extremely professional/Top Notch. Very tense situations – we had a domestic not too long ago and Pet Colburn and one other officer became involved and immediately calmed the situation down. They are very professionally trained and act very well. The judge wanted this conveyed to the Board.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds:

**(RESOLUTION NO. 214 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to go into Executive Session (7:25 p.m.).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

**(RESOLUTION NO. 215 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to return from Executive Session (8:24 p.m.).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds:

**(RESOLUTION NO. 216 OF 2021)**

**RESOLVED**, the Town of New Hartford Town Board does hereby approve to pay (\$25) for Interim Town Clerk – Cheryl Jassak-Huther, New York State Association of Tax Receivers and Collectors Membership fee.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

**ADJOURNMENT:**

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and second by Councilman Messa, the meeting was adjourned at 8:26 p.m.

**(RESOLUTION NO. 217 OF 2021)**

**RESOLVED** that the New Hartford Town Board does hereby accept and approve as submitted the approval to adjourn

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther  
Interim Town Clerk